

Remarks

Claims 1-11, 24-28 and 41-44 are pending.

1. Claim Objections

Claims 1, 4 and 44 were objected to because of informalities. Correction to these claims has been made to address these informalities.

2. Claim Rejections 35 U.S.C. §112

Claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph. Regarding claim 4, the use of the trademark term “KEVLAR” material was noted. Claim 4 has been amended to include reference to KEVLAR fiber. Claim 5 is a dependent claim of claim 4. It is submitted that the fiber-reinforced composite material may include fiber in addition to an epoxy, resin or adhesive.

3. Claim Rejections 35 U.S.C. §103

Claims 1-7, 9-11, 24-28 and 41-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gaston in view of Padmanabhan.

It is submitted that the combination of Gaston and Padmanabhan fail to disclose, teach or suggest an apparatus according to the present invention.

Gaston does not disclose a spline for securing the panel to the joist. Gaston does not show a spline being attached by a threaded fastener to two or more joists. “Spline” 158 of Gaston is a translucent plastic light transmissive decking section. “The lightweight nature of this light-transmissive decking section 158, along with the elimination of the bracket, make this an excellent choice for new construction...” Col. 7:60-65. It is submitted that “Spline” 158 is specifically not used to attached the panels to the joists. To the contrary, the adjacent deck sections having recesses 174, 176 are used to secure “spline” 158 to the deck.

Gaston teaches away from using “spline” 158 to secure the panels to the joists by extolling the benefits of eliminating the brackets 36 used to secure other light-transmissive deck

section of Gaston. There is no motivation or teaching or suggestion to secure the "spline" 158 of Gaston to a plurality of joists as such a modification would render the prior art invention unsatisfactory for its intended purpose. *See*, M.P.E.P §2143.01, citing *In re Gordon*, 733 F2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Furthermore, any proposed modification of Gaston to secure "spline" 158 to more than 2 joists would not be obvious as such a modification would change the principle of operation of the prior art invention being modified. *See*, M.P.E.P §2143.01, citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).


4. Request for Reconsideration and Allowance

Based upon the above Amendments and Remarks, the claims are believed to be in proper form for allowance. Applicant respectfully requests reconsideration of those claims and a prompt Notice of Allowance thereon.

Please direct any questions or comments regarding this application to John F. Klos at (612) 321-2806.

Respectfully submitted,
John Potter, by his attorneys,

Date: October 18, 2004



John F. Klos, Reg. No. 37, 162
FULBRIGHT & JAWORSKI, LLP
80 SOUTH EIGHTH STREET SUITE 2100
MINNEAPOLIS, MN 55402
TELEPHONE: (612) 321-2806